

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GERALD GAINES,

Plaintiff,

vs.

9:04-cv-76

DALE A. ARTUS, Superintendent,
Clinton Correctional Facility;
T. LaVALLEY, Captain;
LT. ARMITAGE

Defendants.

Thomas J. McAvoy,
Senior United States District Judge

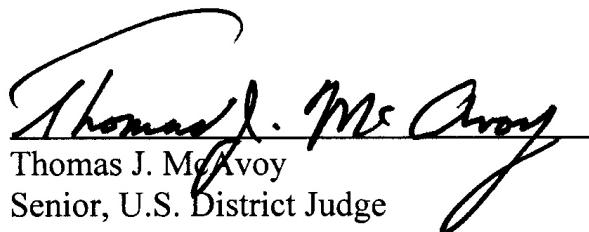
DECISION & ORDER

This *pro se* action pursuant to 42 U.S.C.A. §1983 was referred to the Hon. George H. Lowe United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3 (c). The Report-Recommendation dated February 23, 2006 recommends that Defendants' Motion for Summary Judgment (Dkt. No. 25) be granted. No objections have been filed. After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation and Order for the reasons stated therein.

It is therefore, **ORDERED** that Defendants' Motion for Summary Judgment is **GRANTED** and the Complaint is **DISMISSED IN ITS ENTIRETY**.

IT IS SO ORDERED.

Dated: March 20, 2006


Thomas J. McAvoy
Senior, U.S. District Judge